

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

MARK P. GERKEN,

Plaintiff,

v.

**GEOFFREY OGAMBA and
ODDESSY OF LACROSSE,**

Defendants.

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CAUSE NO. 1:10-CV-76

OPINION AND ORDER

This case was removed to this Court from the Allen Superior Court by Defendant Geoffrey Ogamba based on diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). (Docket # 2.) The Notice of Removal alleges that on information and belief, Defendant Oddessy of LaCrosse was a Wisconsin corporation with its principal place of business in Wisconsin. (Notice of Removal ¶ 7.)

Defendant Ogamba's jurisdictional allegations, however, inadequately set forth Defendant Odyssey of LaCrosse's citizenship. "Allegations of federal subject matter jurisdiction may not be made on the basis of information and belief, only personal knowledge." *Yount v. Shashek*, 472 F. Supp. 2d 1055, 1057 n.1 (S.D. Ill. 2006); *Ferolie Corp. v. Advantage Sales & Mktg., LLC*, No. 04 C 5425, 2004 WL 2433114, at *1 (N.D. Ill. Oct. 28, 2004); *Hayes v. Bass Pro Outdoor World, LLC*, No. 02 C 9106, 2003 WL 187411, at *2 (N.D. Ill. Jan. 21, 2003); *Multi-M Int'l, Inc. v. Paige Med. Supply Co.*, 142 F.R.D. 150, 152 (N.D. Ill. 1992). Therefore, Defendant Ogamba is ORDERED to file an amended Notice of Removal forthwith, properly

alleging on personal knowledge the citizenship of Defendant Odyssey of LaCrosse.

SO ORDERED.

Enter for March 19, 2010.

/S/ Roger B. Cosbey
Roger B. Cosbey,
United States Magistrate Judge